

1 NICHOLAS A. TRUTANICH
2 United States Attorney
District of Nevada

3 CAROLYN B. CHEN, CSBN 256628
4 Special Assistant United States Attorney
160 Spear Street, Suite 800
5 San Francisco, California 94105
Telephone: (415) 977-8956
Facsimile: (415) 744-0134
6 E-Mail: carolyn.chen@ssa.gov

7 Attorneys for Defendant

8

9

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 PAUL KOZLOWSKI,)
13 Plaintiff,) Case No.: 3:20-cv-00086-CLB
14 vs.)
15 ANDREW SAUL,)
16 Commissioner of Social Security,)
17 Defendant.)
18
19
20
21
22
23
24
25
26

1 Defendant, Commissioner of Social Security (Commissioner), by his undersigned attorneys,
2 provides notice to the Court and Plaintiff that an electronic copy of the certified administrative record
3 (e-CAR) has been prepared and can now be filed in this matter. However, the Commissioner advises the
4 Court that, at this time, the Office of Appellate Operations (OAO) is not working at full capacity at its
5 official worksite in Falls Church, Virginia. Although one staff member is now permitted to physically
6 enter the office to work on a very limited basis, OAO is still unable to provide CD and hard copies of the
7 CAR—which has typically been required in this Court—with any regularity, given the limited staff and
8 overall volume of cases.

9 While the Commissioner typically files the e-CAR under seal, as required by the Court, this filing
10 is only accessible to the Court and not by the parties through CM/ECF. However, it is Defendant's
11 counsel's understanding that a new event has been added to CM/ECF which will allow the Commissioner
12 to file the e-CAR under seal and all case participants will have access to the e-CAR. Accordingly, the
13 Commissioner requests that he be permitted to file the e-CAR under seal using this new event ("Certified
14 Administrative Record under seal") and be relieved of the requirement of preparing CD/hard copies of the
15 CAR. This will allow Plaintiff to access the e-CAR through CM/ECF and for the case to move forward
16 without further delay.

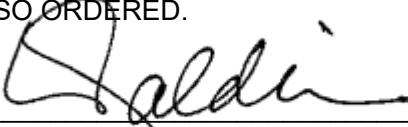
17 If the Court does not wish to relieve Defendant of the requirement to prepare CD/hard copies of the
18 CAR, the Commissioner sees no other option than to wait to file the CAR in this matter under the current
19 stay until OAO regains the capacity to provide these additional copies of the CAR.

20 Dated: July 1, 2020

21 Respectfully submitted,

22 The Commissioner is relieved of the
23 requirement to provide hard copies/CD
24 and may file the e-CAR under seal using
25 new CM/ECF event.

NICHOLAS A. TRUTANICH
United States Attorney

26 IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Carolyn B. Chen
CAROLYN B. CHEN
Special Assistant United States Attorney

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **DEFENDANT'S STATUS REPORT** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Lindsay F. Osterhout
Lindsay@mydisabilityattorney.com
Attorney for Plaintiff

Dated: July 1, 2020

/s/ Carolyn B. Chen
CAROLYN B. CHEN
Special Assistant United States Attorney